

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_, 2002:

Present

Vote

Donald E. Wiggins, Chairman  
Walter C. Zaremba, Vice Chairman  
Sheila S. Noll  
James S. Burgett  
Thomas G. Shepperd, Jr.

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO APPROVE A SALES AGREEMENT FOR 13 PARCELS  
OF LAND, CORPORATE STOCK AND BUSINESS ASSETS IN YORK-  
TOWN, TO AUTHORIZE THE DEMOLITION OF VACANT RESIDENTIAL  
BUILDINGS, AND TO APPROPRIATE FUNDS FOR SAID PURPOSE

WHEREAS, the York County Board of Supervisors desires to purchase from the Jamestown-Yorktown Educational Trust, Ltd., and from Nick's Seafood Pavilion, Incorporated, thirteen parcels of land and all of the corporate stock and assets of the restaurant business known as Nick's Seafood Pavilion, including the goodwill of the business and the ownership and exclusive right to use the name "Nick's Seafood Pavilion" and to purchase all of the contents of the restaurant building, and all tangible and intangible assets related to the restaurant, including all furnishings and equipment, all statuary, artwork, and memorabilia and personal effects of Mary and Nick Mathews now located in the restaurant; and

WHEREAS, the list of the tax map numbers and addresses for the thirteen parcels to be purchased are as follows:

18A-1-12F	301 Water Street
18A-1-12C	315 Water Street
18A-1-11B	319 & 319A Water Street
18A-1-11D	319 & 319A Water Street
18A-01-00-007B	318 Water Street

18A-01-00-144	334 Water Street
18A-01-00-144A	Part of 324 Water Street
18A-01-00-146	Part of 324 Water Street
18A-01-00-147	Part of 324 Water Street
18A-01-00-145	Part of 324 Water Street
18A-01-00-145A	Part of 105 Martiau Street
18A-01-00-001	113 Martiau Street
18A-01-00-004	110 Buckner Street

WHEREAS, a cost of \$2,955,000 has been negotiated for all real estate and fixtures (to be conveyed free of any tenant or other occupant), and ownership of all shares of stock and assets of, Nick's Seafood Pavilion, Incorporated, including all inventory on hand, all rights to the name "Nick's Seafood Pavilion," and all kitchen equipment and accessories, all tables, chairs and serving pieces, and all works of art, including mirrors, statuary, paintings, three entry chandeliers and personal effects of Mary Mathews subject, however, to full disclosure and Purchaser's review and acceptance of all corporate assets and liabilities, financial records, and contractual rights and obligations; and

WHEREAS, a deposit of \$25,000 is to be paid upon execution of a contract and said deposit shall be non-refundable if the Board is in default of the contract; and

WHEREAS, the terms of payment in the proposed agreement require cash payment at settlement, of which the deposit shall be a part. All real estate taxes and liens shall be pro-rated and paid off at closing; and

WHEREAS, the negotiated agreement is contingent upon satisfactory environmental and due diligence studies by the County and further contingent on Sellers' ability to purchase the shares of stock held by a minority shareholder;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2002, that the County Administrator be, and is hereby, authorized to sign an agreement to purchase from the Jamestown-Yorktown Educational Trust, Ltd., and from Nick's Seafood Pavilion, Incorporated, thirteen parcels of land and all of the corporate stock and assets of the restaurant business known as Nick's Seafood Pavilion, including the goodwill of the business and the ownership and exclusive right to use the name "Nick's Seafood Pavilion" and to purchase all of the contents of the restaurant building, and all tangible and intangible assets related to the restaurant, including all furnishings and equipment, all statuary, artwork, and memorabilia and personal effects of Mary and Nick Mathews now located in the restaurant, on the terms and conditions referenced above.

BE IT FURTHER RESOLVED that the County Administrator is authorized to do all things necessary to complete the procurement of real estate, property and business interests outlined above without further action by this Board including, but not necessarily limited to, the following authority:

1. Procure services related to the acquisition of property from the Jamestown-Yorktown Educational Trust, Ltd., provided that the total cost of said purchases does not exceed available funding.
2. Negotiate terms and conditions to have the corporate stock and assets of Nick's transferred to the York County Industrial Development Authority.
3. Negotiate terms and conditions with the Watermen's Museum and the Jamestown-Yorktown Educational Trust, Ltd. to have the parcel located at 301 Water Street number (18A-1-12F) and the parcel located at 315 Water Street (18A-1-12C) transferred to the Watermen's Museum provided that appropriate easements are granted to the Board of Supervisors for the proposed Riverwalk project and other improvements planned by the Board.
4. Procure services and do all things necessary to demolish and remove the vacant residences after the property is acquired, provided the costs do not exceed \$38,000.

BE IT STILL FURTHER RESOLVED that \$2,955,000 be, and is hereby transferred from the General Fund or the County Capital Fund to the Yorktown Revitalization Fund, and appropriated in the Yorktown Revitalization Fund for the purpose of completing this purchase.

BE IT STILL FURTHER RESOLVED that \$75,000 be, and is hereby, transferred from the General Fund or the County Capital Fund to the Yorktown Revitalization Fund, and appropriated in the Yorktown Revitalization Fund for environmental studies, surveys and other expenses related to the acquisition of the real estate and business assets from the Jamestown-Yorktown Educational Trust, Ltd. and for the purpose of demolishing the vacant residential structures mentioned above after the property is acquired.